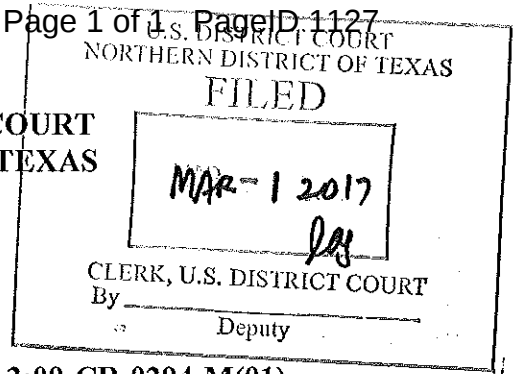


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA,

v.

HOSAM MAHER HUSEIN SMADI,
Defendant.

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USDC 3:09-CR-0294-M(01)
USCA 16-11692

ORDER REGARDING MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL

Before the court are Defendant's motions to proceed *in forma pauperis* on appeal filed on January 23, 2017, and February 13, 2017. Crim. Doc. 142, 144. It appears that Defendant may be seeking to appeal from the November 9, 2016 order denying his request for a copy of the government's sentencing memorandum. Crim. Doc. 125; Crim. Doc. 127.

Considering the record in this case, the Court hereby finds and orders:

- () The motion for leave to proceed *in forma pauperis* on appeal is GRANTED. 28 U.S.C. § 1915.
- (X) The motion for leave to proceed *in forma pauperis* on appeal is DENIED for the following reasons:
- () The defendant/movant is not a pauper.
- (X) Pursuant to 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the court certifies that the appeal is not taken in good faith. In support of this finding, the court adopts and incorporates by reference the order filed on November 9, 2016. Based on the above orders, the Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.

Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the defendant may challenge this finding by filing a separate motion to proceed in forma pauperis on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

SO ORDERED this 1st day of March, 2017.

UNITED STATES DISTRICT JUDGE